

FERPA Guidelines

The following information regarding FERPA consents came from Kathy Eversole, our transition contact at the state level. She contacted the KDE legal department for guidance. Here is her message:

Transition Work Group:

I have consulted with Sammie Lambert, Barb Kibler and Teresa Combs regarding the new IDEA 04 requirement which states that an LEA must obtain parent consent before personally identifiable information is shared with agencies who may provide or pay for transition services. The text of the new regulations is as follows:

§ 300.622 (2)

Parental consent, or the consent of an eligible child who has reached the age of majority under State law, must be obtained before personally identifiable information is released to officials of participating agencies providing or paying for transition services in accordance with § 300.321 (b)(3).

This requirement would be in place when inviting agency representatives to ARC meetings to discuss transition services and/or when releasing information to the agencies. This latter situation may occur in what we commonly call a transition fair...when the students, by attending, are identifying themselves as having a disability.

It is our recommendation that districts use their FERPA 'release of student information to third party' form for documenting this consent. For transition fairs, the district may attach a list of the agencies who are scheduled to attend the event.

Let me know if you have questions.

Thanks,
Kathy

Also, I have shared some ideas with several of you for the following sentence to add to your consent form or in an accompanying letter:

This release allows your child to interact with agencies represented during the 2006-07 Job & Transition Fair.

Just in case you want to include a short description of the fair:

The Job and Transition Fair is an information fair that provides an opportunity for area high school students with disabilities, their parents and their teachers to make the contacts that will enable the students to have a successful transition into the postsecondary world. Information booths will be set up by a variety of community service providers, potential employers and others to provide information on such issues as employment, residence, postsecondary education and training, recreation and advocacy. Some employers will conduct mock job interviews at this event.